

Tuesday, 9 July, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before with the
exception of HON. DELFIN JARANILLA, Justice, Member
from the Commonwealth of the Philippines, who is not
sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and HIRANUMA who are represented by their
5 counsel.

6 Does any counsel desire to mention any matter?

7 CAPTAIN KLEIMAN: May it please the Tribunal --

8 THE PRESIDENT: Captain Kleiman.

9 CAPTAIN KLEIMAN: With reference to the
10 defendant HIRANUMA, I visited him on Saturday and he
11 had a fever and a cold and was suffering with indi-
12 gestion. This morning I am advised that his condition
13 is much worse. On Saturday I had spoken to one of the
14 doctors who was treating him, and I was advised there
15 that the facilities -- they didn't have all of the
16 facilities with which to treat him. We thought it
17 most advisable to wait until Monday morning to see what
18 would happen with respect to the defendant's condition.
19 I found out this morning that his condition is very much
20 worse. I didn't have time to make a written appli-
21 cation; I respectfully make an oral application to
22 remove the defendant HIRANUMA from Sugamo Prison to
23 Tokyo Imperial Hospital.

24 THE PRESIDENT: It will have to be supported
25 by a medical certificate when it is made, made in

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Chambers. You will have to meet all of the requirements that were insisted upon and met in the case of OKAWA as regards the transfer from one hospital to another. The application will be made in Chambers and not in Court.

CAPTAIN KLEIMAN: I am awaiting a medical certificate, may it please your Honor, and will make the application in Court some time in the course of the day, sir.

THE PRESIDENT: "In Chambers," I said.

CAPTAIN KLEIMAN: I mean in Chambers, excuse me, sir.

MR. OKAMOTO: May I continue my cross-examination?

CROSS-EXAMINATION (Continued)

BY MR. OKAMOTO:

Q The witness said that in the years 1935 to 1936 he had travelled in North China, was that so?

THE MONITOR: Correction: "From December 1935 to January 1936, he travelled through North China, is that correct?"

A I did not say that I travelled between December and January. I said that I had travelled between December 25 and January 5.

Q From the record it is known that General

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1 DOHIHARA left Hsinking for Peking on the sixth of
2 July, 1936.

3 THE MONITOR: Are you aware of that?

4 A Yes, I do recall that on the fifth of July
5 I had dinner with Major General DOHIHARA, Chief of
6 Staff ITAGAKI and one other, that is, a party of
7 four, at a restaurant in Hsinking to send off General
8 DOHIHARA to Peking.

9 Q When did you say, was it January or July?

10 A January 5, on the night of the New Year
11 banquet.

12 Q Isn't there a lapse of memory of the witness?
13 You were, you arrived from Peking to Hsinking on the
14 seventh of January.

15 A Yes, I was on a trip, an official trip which
16 was to end on the seventh of January; but because of
17 an urgent telegram, I returned on the fifth.

18 Q Well, this question will be decided, will be
19 studied later on the record; but I should like to ask
20 you another question. You said that you were, you
21 knew that General DOHIHARA -- that you knew of
22 General DOHIHARA's mission to Peking by what you heard
23 from General MINAMI. However, yesterday, you stated
24 that you had yourself written the order for General
25 DOHIHARA's mission and it was that way that you knew

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1 about it. Isn't there a difference between these
2 two things?

3 THE MONITOR: Correction in the first portion:
4 "You told the prosecutor that you had learned of Major
5 General DOHIHARA's mission in going to Peking at the
6 time when you were present at a meeting between Gen-
7 eral MINAMI and General DOHIHARA where General DOHI-
8 HARA made a report on his trip."

9 A With respect to that first testimony, I did
10 not say that I had learned when DOHIHARA returned from
11 his mission and reported to General Headquarters of
12 the Kwantung Army. With respect to drawing up the
13 instructions given to General DOHIHARA, considerable
14 controversy took place in that various and conflicting
15 opinions were given and, for that reason, the contents
16 of the instructions were not decided with dispatch.
17 This difficulty arose because it was found difficult
18 to decide as to what should become the fixed motive
19 in starting the Autonomy Movement in North China.

20 THE MONITOR: Correction: "Fixed objective"
21 instead of "motive."

22 A (Continuing) If my memory is correct, the
23 first instructions were that in establishing an autono-
24 mous area there was no ideological objective, so to
25 speak. It was necessary to have that and, as I recall,

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1 Major General DOHIHARA, Major General SASAKI and Major
2 General ITAGAKI, these three men studied this matter,
3 and in addition to the objective of just creating
4 an autonomous area, they added anti-Communism as a
5 sort of a slogan for the purpose of this program.

6 Q Wasn't the witness travelling in North China
7 at the time?

8 A I think the drafting of the instructions
9 took place towards the end of September. I was not
10 travelling at that time.

11 THE MONITOR: Correction: "Middle part of
12 September."

13 Q But does the witness know of the instructions
14 which were sent from Central Headquarters and of which
15 I have spoken yesterday.

16 THE MONITOR: Correction: "Instructions
17 given by cable."

18 A Yes, I know that very well.

19 Q Then should it not be interpreted that General
20 DOHIHARA's mission to North China was not on General
21 MINAMI's initiative but on orders from Headquarters?

22 A As to this so-called "order" from the Central
23 Army authorities, this was merely a formality inasmuch
24 as this was initiated not in Tokyo but by the Kwantung
25 Army; and by the end of September, Major DOHIHARA was

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1 already in Peking and had commenced upon the
2 Autonomy Movement.

3 THE MONITOR: Slight addition: "As I said
4 yesterday."

5 A (Continuing) That General DOHIHARA, an
6 officer attached to the Kwantung Army, should start
7 activities in an area under the jurisdiction of the
8 Japanese Army in North China under the command of
9 General TADA was a matter which General TADA disliked
10 extremely.

11 Q Were the relations between the North China
12 Army and the Kwantung Army at that time harmonious
13 or not?

14 A Frankly speaking, Generals DOHIHARA and
15 TADA were not on friendly terms personally but, as I
16 recall, they were in complete agreement with respect
17 to the creation of an autonomous area with the five
18 North China provinces.

19 Q I would like to ask you a very elementary
20 question: Is the North China Army under the juris-
21 diction of the Kwantung Army?

22 A They are entirely separate. The North
23 China garrison is not under the command of the Kwan-
24 tung Army.

25 Q Under whose orders does the North China Army

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1 operate?

2 THE MONITOR: Correction: "Under whose
3 orders does the commanding officer of the North China
4 Army operate?

5 A With respect to the Supreme Command, the
6 Chief of the Army General Staff; with respect to
7 military administration, the Minister of War.

8 Q On personnel matters, then, he is under the
9 direction of the Minister of War?

10 A Yes.

11 Q Who was the Prime Minister of the Japanese
12 Government at that time?

13 A Admiral OKADA, Keisuke, retired -- reserve.

14 Q And the War Minister?

15 A General HAYASHI, Senjuro on the active list.

16 Q And the Chief of Staff?

17 A Prince Kokohito Kan-in.

18 Q The witness has just said that, concerning
19 matters in North China, there was a notion of anti-
20 Communism. How were matters standing in 1935?

21 A What kind of situation are you referring to?

22 Q Was the Chinese Communist Party active in
23 North China at that time?

24 A Communists and the Communist army had infil-
25 trated into North China.

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1 Q How was it in the interior of Manchuria?

2 A Yes, Communists and Communist guerrillas,
3 there was quite a large number of them in Manchuria.

4 Q The witness, who was famous as Chief of
5 Staff of the Kwantung Army, who was versed in China
6 affairs, has this witness made any suggestions to
7 his superiors on this matter?

8 THE MONITOR: Correction: "The witness, as
9 one of the staff officers of the Kwantung Army, he
10 was very familiar with Chinese affairs. Has
11 he ever made any recommendations in regard to the
12 Communist guerrillas?"

13 A Yes.

14 Q What recommendations have you made?

15 A They were very important recommendations.
16 According to my recollections, half of the province
17 of Shansi was about to be completely occupied by the
18 Communists. From that time the advocacy of the Com-
19 munist Army was "Resist Japan and Save the Country!"
20 Up to that time the contentions of the Communist Army
21 was "anti" free peoples' principle and save the country.

22 Q Please give your conclusions rapidly.

23 A Well, you cannot state conclusions without
24 giving an opinion.

25 MR. SACKETT: If the Court please, the

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1 prosecution does not see the relevancy of this line
2 of questioning.

3 THE PRESIDENT: It is very difficult to see
4 how relevant it is. I had the impression, perhaps the
5 wrong one, that these questions were being asked only
6 for the sake of asking them. I would remind counsel
7 that he has a duty to his client to put only those
8 questions that may adduce helpful answers.

9 Many of the questions yesterday and today
10 put by this counsel were directed to ascertaining or
11 determining the credibility of the witness; but the
12 purpose of these questions is to get information,
13 the value of which I am not clear about. But I can
14 only give that warning to counsel that his duty is
15 to elicit answers that will assist his client and not
16 to ask questions merely for the sake of asking them.

17 Q Is the presence and activities of the Communist
18 guerrillas not the reason for which the Kwantung Army
19 and the North China Army tried --

20 THE MONITOR: "Tried for creation of an
21 area of peace in North China."

22 A Rather, the purpose was to create an autono-
23 mous area in North China which was to have been closely
24 interwoven in their relationships with Manchuria. But,
25 as counsel has just stated, I am also positive that an

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1 anti-Communist stand as a means of countering the
2 threat of Communist guerrilla activities was one of
3 the purposes for which this area of peace was being
4 projected.

5 THE MONITOR: Slight correction: "The
6 purpose was creation of an autonomous area which
7 would cooperate with Japan and Manchukuo."

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1 Q Were the limits of Manchuria extended
2 during General MINAMI's tenure of office?

3 MONITOR: Correction: Manchukuo instead of
4 Manchuria.

5 A No. However, I might add that in the south-
6 west part of Jehol Province there was one Hsien which
7 was contested between Manchuria and China as to which
8 this particular Hsien should belong. As a result of
9 these controversies an investigation was conducted
10 jointly by the Hopeh-Chahar Council and Manchukuo.
11 As a result of this investigation this Hsien was
12 attached to Manchukuo as being an historical part
13 thereof.

14 MONITOR: Hopeh-Chahar Regime instead of
15 Hopeh-Chahar Council.

16 Q I have heard that General MINAMI, since he
17 took office as Commander-in-Chief of the Kwantung Army,
18 had always sustained that no dispute should arise
19 with foreign countries.

20 MONITOR: Correction: he has always in-
21 structed his subordinates.

22 A Yes. Not foreign countries, but he was
23 very positive against the creation of any disputes
24 along the frontiers with the Soviet Union.

25 Q And how was it with the Republic of China?

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1 A The most important aspect of the project
2 carried on by Major General DOHIHARA in connection
3 with the Autonomy Movement of the five North China
4 provinces -- with the progress of the Autonomy Move-
5 ment in the North China provinces -- was to eliminate
6 friction between Japan and China.

7 Q Were the opinions of Major General DOHIHARA
8 based on the views of General MINAMI?

9 A Yes.

10 Q Then can it be interpreted that with what
11 the witness has been saying up to now means that the
12 Autonomous Movement in North China was not meant to
13 cause friction or a dispute with China, but to bring
14 about peaceful relations between the two, China and
15 Japan?

16 A Not once since I appeared on this witness
17 stand have I said that this Autonomy Movement was
18 calculated to cause friction or dispute with China.

19 Q Does the witness know how General MINAMI
20 was recommended to be Commander-in-Chief of the
21 Kwantung Army?

22 A Yes; not very well, but I do know.

23 Q Is it not because General MINAMI, as one
24 of the elder generals, was not -- the opinions of
25 General MINAMI were not positive, but they were

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1 rather conservative and peaceful?

2 MONITOR: Slight correction: not because
3 General MINAMI was aggressive and war-like, but
4 because he favored peaceful relationship.

5 A I think General MINAMI was appointed be-
6 cause of his very amiable character and his adminis-
7 trative ability. By speaking of General MINAMI's
8 administrative ability, I am referring to the fact
9 that there was a big job to be done, since Manchuria
10 at that time was a hot-bed of many disputes, especially
11 between the police and the military police, and be-
12 cause banditry was still widespread, and his job was
13 to restore law and order.

14 MONITOR: Slight correction: because it was
15 right after the time when there was an open clash
16 between civil police and military police, and also
17 because of guerrillas and bandits the situation was
18 in chaos.

19 Q The witness in talking to the prosecution
20 has called such a peaceful, peace loving person as
21 General MINAMI as the originator of aggression in
22 North China. Why is that?

23 A I have no recollection whatsoever of
24 having ever testified to Prosecutor Sackett that
25 General MINAMI was an instigator of aggressive

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1 action.

2 Q Is not the witness a sympathizer of the
3 February 26 Incident, so-called February 26 Incident,
4 in 1936?

5 A No. In the Kwantung Army I was one of the
6 foremost advocates of a positive suppression of such
7 action, and of all the staff officers of the Kwantung
8 Army I should say I was the strongest exponent of
9 such a policy.

10 Q Did the witness not advocate the retirement
11 of all generals in activity -- from the active list
12 immediately after the February 26 Incident?

13 A Will you repeat that question again, please?

14 Q Did the witness immediately after the Feb-
15 ruary 26 Incident not advocate the retirement from
16 the active list of all the generals?

17 MONITOR: Did not the witness advocate the
18 resignation or retirement of all the generals on
19 the active list, and did he not raise this opinion
20 in the Kwantung Army circles immediately after the
21 February 26 Incident?

22 A No.

23 Q Did the witness, when he was Staff Officer
24 of the Kwantung Army, not suffer a nervous breakdown?

25 A No.

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1 Q Has not the witness for this cause gone
2 into a hospital in Shinking?

3 A Yes, as a result of gas intoxication.

4 Q Does the witness know about the so-called
5 Shuiyuan Incident?

6 A Yes. By the request of Prince Teh and at
7 the order of the Commander-in-Chief of the Kwantung
8 Army, I went to help Prince Teh as his assistant and
9 adviser for about one month and a half, when trouble
10 arose between Prince Teh and General Putsou-yi.

11 Q Who was the Commander-in-Chief of the Kwan-
12 tung Army at that time?

13 A General UEDA, Kenkichi.

14 Q No relation with General MINAMI?

15 A That doesn't require a question.

16 Q Has the witness during these last two or
17 three years met General MINAMI? I am not speaking
18 of this court room.

19 A I visited his home in Shinagawa, Tokyo, in
20 March last year.

21 Q What sort of conversations were held at that
22 time?

23 A How to save Japan from the state of hope-
24 lessness which she had been plunged into.

25 Q Has the witness not had a conversation with

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1 General MINAMI at his home on the 19th of November,
2 1944?

3 A Yes.

4 Q In what position was General MINAMI at that
5 time?

6 A Member of the Privy Council.

7 Q In what position was the witness?

8 A I was unemployed.

9 Q What was this talk about Mongolia?

10 A At that time, because of the general situa-
11 tion prevailing then, the relationship between
12 Japanese and Inner Mongolians was not very good, and
13 it was my contention that in order to improve this
14 condition the Mengchang Autonomous Regime should be
15 strengthened, and that this regime should be given
16 complete independence. For this purpose I had in
17 mind the establishment of a Mongolian Society and
18 asked General MINAMI to become its president.

19 Q What was the answer of General MINAMI?

20 A He said that he couldn't do so as a Privy
21 Councillor.

22 Q Does not the witness remember that he was
23 angry and that he answered if that was so he would
24 go and talk to the President of the Privy Council,
25 Mr. SUZUKI, about this matter?

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1 A I wish that you would take back that word
2 "angry", because this conversation was held in a
3 very peaceable manner. I merely said that if General
4 MINAMI could not accept the post, that is, the
5 witness, would be glad to drop the political meaning
6 out of the purpose of this society, and that I would
7 approach the President of the Privy Council, Admiral
8 SUZUKI, and if Admiral SUZUKI would consent, then
9 that I would approach General MINAMI again to have
10 him reconsider the proposition.

11 Q Was the witness ever in political activities
12 at that time?

13 A Yes, most enthusiastically and ardently.

14 Q Can you tell us very shortly what these
15 political activities were?

16 A It was to set up General UGAKI as Prime
17 Minister and stop the war.

18 MR. MIYAKE: I am MIYAKE, counsel for the
19 defendant, General UMEZU.

20 CROSS EXAMINATION (Continued)

21 BY MR. MIYAKE:

22 Q Was the UMEZU-Ho Yinchin Agreement made
23 verbally?

24 THE PRESIDENT: Well, that won't help.
25 The purpose of this cross-examination should be to

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1 show authority or justification or excuse for what
2 the Japanese forces did in Manchuria. So far most
3 of the cross-examination has been directed to an
4 explanation of what they did. It should only affect
5 punishment really. That feature may be overlooked by
6 counsel.

7 Q Then I shall ask another question. Is
8 the mission of the North China Army based on the
9 Boxer Protocol not of the protection of the Japanese
10 residents in the area and the protection of the com-
11 munications between Tientsin and Peking?

12 A Yes.

13 Q Is the UMEZU-Ho Agreement based on the sup-
14 port of the Boxer Protocol not aimed at the solution
15 of the problem of anti-Japanese activity in North
16 China?

17 A Yes, if anti-Japanese activities can be re-
18 moved from North China, then the duties of the gar-
19 rison forces would be fulfilled.

20 Q Was then the objective of the signing of
21 this agreement between General UMEZU and General Ho
22 to eradicate anti-Japanese agitation from North
23 China on the basis of the mission of the Japanese
24 forces in North China and to establish an atmosphere
25 of peace and quietness?

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1 A Yes, of course, but not that alone.

2 Q Then was not the atmosphere, a peaceful
3 atmosphere, created as a result of this agreement
4 between the Japanese Army in North China and the
5 Chinese Army?

6 MONITOR: Correction: forces from Nanking
7 present in North China.

8 A The relationship between the armies, that is,
9 the armies under the command of General Sung Chihyuan,
10 was not much to speak of, but it is a fact that as a
11 result of the UMEZU-Ho Agreement the assassination of
12 pro-Japanese Chinese, as well as inflammatory editorials
13 against Japan in Chinese papers disappeared.
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1 Q When did the armies of Sung Chihyuan come
2 from Kalgan to North China?

3 A I was not there at the time, so I do not
4 remember.

5 Q Don't you remember at least if it wasn't
6 after September, 1935?

7 A I do not recall.

8 Q The witness has said that the North China
9 Autonomous Government was established at the end of
10 December, 1935, is that correct?

11 A I think that the regime was set up for all
12 practical purposes by the end of November and that
13 a ceremony for its establishment was held around the
14 middle of December.

15 Q The defendant UMEZU left North China on the
16 first of August, 1935. How can the witness think
17 that he has any relations with the creation of the
18 autonomous government which was established six
19 months after his departure?

20 A Colonel SAKAI, Chief of Staff of the North
21 China Army, was the foremost proponent for the bring-
22 ing of Sung Chihyuan's army to Peiping and Tientsin;
23 and on two occasions, in March and May of 1935,
24 Colonel SAKAI came to the Kwantung Army to ask for
25 cooperation.

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1 THE MONITOR: Correction: April and May
2 of 1935, instead of March.

3 A (Continuing) I was constantly in attendance
4 at the conferences which were held then. Colonel
5 SAKAI was the most ardent exponent of the policy of
6 detaching North China from the Nanking government.
7 UMEZU said at that time that he had left it all
8 entirely to Colonel SAKAI.

9 THE MONITOR: Correction: I said that UMEZU
10 had left the matter entirely up to SAKAI.

11 A (Continuing) After that UMEZU - Ho Yingchin
12 Agreement, as a result of the Agreement, the Autonomy
13 Movement was carried on. And there is positive evi-
14 dence to the effect that SAKAI carried out this
15 movement, inasmuch as I was there. It was Colonel
16 SAKAI who actually brought about the conclusion of
17 the UMEZU - Ho Agreement. I know very definitely
18 that the matter had been delegated by UMEZU..

19 THE MONITOR: And was approved of later
20 by UMEZU.

21 A (Continuing) However, in an army organiza-
22 tion the responsibility increases the higher you go.
23 Hence, I was referring to the responsibility.

24 Q General UMEZU left his post on August 1,
25 1935. The Sung Chihyuan affair occurred later. And

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1 what I would like to ask the witness is about the
2 coming of Sung Chihyuan to North China. The witness
3 has said he did not remember. Would he try to
4 remember?

5 THE MONITOR: Slight correction: After
6 UMEZU left his post on the first of August, 1935,
7 this matter of the movement of Sung Chihyuan to the
8 south occurred. Now, I would like to ask the witness
9 what relationship UMEZU had with the establishment
10 of General Sung's Autonomous Regime.

11 And the rest of the interpretation is correct.

12 A We in the Kwantung Army were absolutely
13 opposed to bringing Sung Chihyuan's Army southward.
14 It was Colonel SAKAI who, in spite of the Kwantung
15 Army's opposition, convinced the Kwantung Army and
16 realized this plan. It is a positive fact that the
17 UMEZU - Ho Agreement gave the Autonomy Movement in
18 North China its impetus.

19 What Sung Chihyuan's Army did about the
20 matter has no relationship, no connection whatsoever
21 with the subject on hand. But there is no room for
22 debate whatsoever that it was Colonel SAKAI who
23 had engineered the whole project and that his command-
24 ing officer, the Commander-in-Chief of the Kwantung
25 Army -- that his Commander-in-Chief of the Kwantung

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1 Army is responsible there is no room for debate.
2 The judgment on this question should be given by this
3 Court.

4 THE MONITOR: Repeat that again.

5 A (Repeating) The movement of Sung Chihyuan's
6 Army southward has nothing to do with this question.
7 But there is no room for debate whether or not the
8 commanding officer of Colonel SAKAI, who was a strong
9 and ardent proponent of the Autonomy Movement was
10 responsible or not. That question may well be decided
11 by this Court.

12 Q I am not asking that. I am asking the date
13 when General Sung Chihyuan came down southward to
14 Peking.

15 A What I have not in my recollections I cannot
16 recall, however much I try to squeeze my memory.

17 Q Then I shall ask you another question.
18 You say that Colonel SAKAI, in spite of the opposition
19 of the Kwantung Army, brought Sung Chihyuan down to
20 Peking. Who at that time was the superior officer,
21 General UMEZU or General TADA?

22 A I did not say that Colonel SAKAI had brought
23 General Sung down to Peiping, but what I said was that
24 he had approached the Kwantung Army to get the Kwantung
25 Army's approval to his plan to bring the Chinese

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1 General to Peiping. Colonel SAKAI was transferred
2 as regimental commander to Miyakonojo on the first
3 of August. But the groundwork for the whole movement
4 had already been laid before his departure. However,
5 if it was since the first of August, then as you say
6 General UMEZU would not be responsible for this plan.

7 THE PRESIDENT: That will do. We will
8 recess now for fifteen minutes.

9 (Whereupon, at 1045, a recess was
10 taken until 1105, after which the proceedings
11 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 R Y U K I C H I T A N A K A, called as a witness
4 on behalf of the prosecution, resumed the stand
5 and testified as follows:

6 BY MR. MIYAKE (Continued):

7 Q I shall ask you one last question. Does
8 the witness think that General UMEZU has not a great
9 interest in politics or not?

10 A Yes. He is a man who well understands
11 politics, but at no time -- or dislikes very much
12 to put his fingers into politics. He is one of our
13 senior officers who has constantly instructed us not
14 to interfere in politics. That statement of yours I
15 affirm.

16 MR. MIYAKE: Thank you.

17 THE PRESIDENT: Major Blakeney.

18 MAJOR BLAKENEY: May it please the Tribunal,
19 I am Major Blakeney, counsel for General UMEZU, who
20 is also represented by Japanese counsel who has just
21 appeared. I do not intend to cross-examine, but I
22 should like to address the Tribunal. I wish merely
23 to point out to the Tribunal that the present witness
24 has testified in extenso about the Ho-UMEZU Agree-
25 ment which apparently is to serve as the basis for

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1 some charge against the defendant UMEZU.

2 THE PRESIDENT: Major Blakeney, are you in
3 order in intervening at this stage?

4 MAJOR BLAKENEY: Sir?

5 THE PRESIDENT: Are you in order in inter-
6 vening at this stage?

7 MAJOR BLAKENEY: I think so, sir.

8 THE PRESIDENT: I don't know how it can be.
9 If we allow you to jump up and make some explanation
10 at any stage, why not any other counsel, and there
11 are over forty of you. We must have order.

12 MAJOR BLAKENEY: Sir, I am not attempting
13 an explanation; I am attempting to lay a groundwork
14 for an objection which would have been made by the
15 Japanese counsel to whom I am assistant but for his
16 lack of knowledge of our procedure. That is the only
17 reason I have made these preparatory remarks. I
18 merely wish to note an objection.

19 THE PRESIDENT: Well, you must get the per-
20 mission of the whole Tribunal to lodge even an
21 objection, seeing that you are the second counsel
22 for that particular accused.

23 MAJOR BLAKENEY: Yes, sir. I was attempting
24 to request that permission.

25 THE PRESIDENT: The Tribunal will not hear

TANAKA

CROSS

1 you, Major.

2 MR. OHARA: I am counsel OHARA, representing
3 the defendant OKAWA.

4 THE PRESIDENT: If it be at all necessary,
5 I would like to point out to Japanese counsel more
6 particularly that none of the accused will be
7 exculpated merely because it is shown, if it is
8 shown, that the Japanese forces in China restored
9 peace and tranquility there. What you must estab-
10 lish, and your cross-examination should be directed
11 to that, is that the Japanese armed forces -- if
12 your particular accused were connected with them in
13 any way -- had authority or justification or excuse
14 for what they did.

15 A great part of the cross-examination has
16 been directed to show that, after all, peace and
17 tranquility followed or was intended by the Japanese
18 armed forces in China. Well, it is possible that
19 if that is established the accused, so far as
20 responsible, may have a claim to have their sentences
21 considered. It may reduce hanging to shooting, or
22 shooting to life, or life to a lesser term of im-
23 prisonment. That can be the only effect of it, and
24 there is a limit to the amount of evidence in miti-
25 gation that we may receive during the course of a

TANAKA

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1 trial. We may shut down on that type of evidence
2 and hear it at the end of the trial if it becomes
3 necessary to do so.

4 MR. FURNESS: If the Court please, if
5 peace followed as a result of agreements between
6 different governments, it makes no difference?
7 May I ask that respectfully?

8 THE PRESIDENT: You completely missed the
9 point. I said peace and tranquility brought about
10 by the Japanese forces, if it were brought about.

11 MR. FURNESS: Does that constitute a
12 judgment as to whether this was aggressive warfare
13 or not?

14 THE PRESIDENT: You are very impertinent.
15 You know that I did not pronounce any judgment.
16 What I said can be read and re-read, and there is
17 nothing in the nature of a judgment in it. It is
18 a mere warning to counsel as to what their duty is.
19 Your observations are gratuitous, and we will deal
20 with you if necessary.

21 MR. FURNESS: I only wish to point out
22 that the charge in the Indictment is violation of
23 treaty rights, and it seemed to me in all respects
24 that the Court's statement dealt with that. If I
25 was impertinent, I beg the Court's pardon.

TANAKA

CROSS

1 MR. OHARA: I would like to ask the per-
2 mission of the Tribunal to put questions.

3 CROSS-EXAMINATION (Continued)

4 BY MR. OHARA:

5 Q The witness had stated that prior to the
6 outbreak of the Manchurian Incident there were
7 304 pending issues regarding Manchuria. Were they
8 issues difficult to be solved?

9 THE MONITOR: Instead of "304," it should
10 be "over 300."

11 A Yes. They were extremely difficult of
12 settlement.

13 Q Didn't the witness state that a war without
14 declaration of war existed between China and Japan
15 prior to the outbreak of the Manchurian Incident?

16 A Yes, I did.

17 Q It does not mean that the two countries
18 were actually fighting each other, does it, in
19 Manchuria?

20 A Yes, if by "hostilities" you mean shooting
21 between two opposing forces.

22 Q Did you mean to say that one could never
23 tell when and where would clashes occur between the
24 two armies?

25 THE MONITOR: Between Japan and China.

TANAKA

CROSS

1 A Yes.

2 Q Could those over 300 pending issues which
3 you mentioned a while ago -- could those issues be
4 solved through military clashes in one way or the
5 other?

6 A Will you repeat that question again clearly
7 in Japanese?

8 Q Could those 300 issues be solved by
9 military force; was that what you mean?

10 A I fully recognize that it would have been
11 impossible to settle these pending issues through
12 diplomatic negotiations. For purposes of settlement
13 of these issues, Mr. SHIGEMITSU, then Minister, was
14 there, and he said that in order to settle these
15 issues it may require a great deal of patience and
16 many, many years.

17 Q What I was asking is that because the situa-
18 tion was so critical that it might explode at any
19 moment, under those circumstances would that be
20 possible to solve those issues by the clashes of
21 military forces between Japan and China?

22 A It was only natural that if a clash
23 occurred the issues would be settled by the victor.
24 It is customary throughout the world that if an
25 armed clash occurred the issues would be settled

TANAKA

CROSS

1 without negotiations.

2 Q Would you say that, objectively speaking,
3 the two would clash eventually?

4 A That is looking into the future as it was
5 seen at that time, and it was the general knowledge
6 of those of us in the army that something would
7 very likely and eventually occur --

8 THE MONITOR: If that was left in that
9 state.

10 A (Continuing) if that was left unsettled.

11 Q Didn't the witness state that he heard
12 from OKAWA that the Manchurian programs could not
13 be solved -- would not be solved by other methods
14 than the military method? That was prior to the
15 outbreak of the Manchurian Incident.

16 A Yes.

17 Q Didn't you mean by that that it was a gener-
18 ally acknowledged interpretation by the army at that
19 time?

20 A Not so. Dr. OKAWA was perhaps the most
21 ardent advocate of Manchurian independence, and
22 those who participated in that movement in one way
23 or another received the influence of Dr. OKAWA.
24 For quite some time Dr. OKAWA entertained the hope
25 and ideal of Manchurian independence for the purpose

TANAKA

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1 of making of this new State a base for the libera-
2 tion of all Asia. You will understand that quite
3 readily if you would read Dr. OKAWA's book, "The
4 Principle for the Revival of Asia."

5 In 1930, when I asked Dr. OKAWA who would
6 become the leader of this new contemplated independ-
7 ent State, he quoted the words of one, SHIKKYO, and
8 said that there was no other way than to revive an
9 extinct State and to bring combat ships -- and to
10 restore Emperor KANGTE on the Throne.

11 Q That's enough. Answer to my question
12 only, please. You have stated that those things
13 were written in the book entitled "The Principle of
14 the Revival of Asia." Have you read those points
15 yourself? I am only asking whether you read the
16 book or not.

17 A Yes, five or six times.

18 Q Are those things written in that book or
19 not?

20 A What do you mean?

21 Q The point concerning the independent
22 country.

23 A Nobody said that it was written. I just
24 heard.

25 Q I just asked you about it. You stated that

TANAKA

CROSS

1 a state of extreme danger existed in Manchuria,
2 and one could not foretell when it will occur, didn't
3 you? Under those circumstances, the Kwantung Army
4 would naturally draw out a plan of operation to
5 meet the situation, wouldn't it?

6 A Needless, to say, if a clash occurred, the
7 Army would immediately start operations.
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1 Q If the hostilities had occurred and areas
2 had been occupied, would the army draw out a plan
3 concerning the preservation of peace and order in
4 that area?

5 A To whatever country an army belongs, it is
6 only common sense that it would plan for the mainte-
7 nance of law and order in occupied areas.

8 Q The witness stated that the Kwantung Army
9 carried out a plan, which was prepared by the Inves-
10 tigation Department Bureau of the South Manchurian
11 Railway Company, after the Incident.

12 A Yes.

13 Q Did the Investigation Bureau make the plan?

14 A What OKAWA told me is a fact, but I do not
15 know whether or not this Research Bureau created this
16 plan.

17 Q The witness also stated that the established
18 -- the part of the establishment of Manchukuo -- was
19 carried out smoothly, because it followed the pre-
20 determined plan.

21 A Yes, very definitely.

22 Q What do you mean by "accordance with the
23 plans"? Do you mean by the words "plans," operational
24 plans?
25

THE INTERPRETER: The witness just said

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CROSS

1 that: "I don't see where the Research Bureau
2 plans operations."

3 To which the defense counsel replied:
4 "I didn't say Research Bureau."

5 MR. OHARA: I made my sentences short to
6 help the interpreter. I will make them longer now.

7 Q When I asked you whether the Kwantung Army
8 would make a plan, in case a dangerous situation
9 prevailed in Manchuria, and you replied that it
10 would, naturally; didn't you?

11 A I am very familiar with the fact that
12 Dr. OKAWA in the Research Bureau of the South
13 Manchurian Railway had been studying matters per-
14 taining to the occupation of areas in Manchuria
15 after some emergency should occur. I should say
16 that by plan, it would be that plan of occupation,
17 inasmuch as various data were being exchanged be-
18 tween this Research Bureau and my own section in
19 the Army General Staff Office, which was in charge
20 of such matters.

21 I do not think that OKAWA ever stated that
22 for the solution of Manchurian problems it was
23 necessary -- it would be necessary to resort to arms.

24 It is certain that he did not say anything
25

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CROSS

1 about the use of armed forces for purposes of settle-
2 ment at first; and, therefore, while being made a fool
3 of by other people, he went to see Chang Hsueh-liang
4 to induce him to declare independence on two occa-
5 sions.

6 Q I will ask you about a different point now.
7 You used the word "control" in explaining the Man-
8 churian Affair, but a foreigner would understand by
9 the word "control" a certain type of domination.
10 Would you explain it to me in Japanese -- the mean-
11 ing of the word "control," which you used in English?

12 A Was it actually in control? I consciously
13 avoided the word "domination."

14 Q I would like to hear your explanation of the
15 word "control." Do you mean -- I will try to use your
16 own expression -- do you mean by that word, to estab-
17 lish an area where the Chinese -- both the Chinese
18 and Japanese people would live peacefully together,
19 and an area in which peace would prevail, and the
20 interest of both parties will be considered, and an
21 area which will be convenient for both parties? Do
22 you mean that? Do you mean by the word "control" --
23 do you mean to establish a zone as I have described?

24 A That would be in Manchuria -- that would be
25 an ideal of Manchuria, as the Japanese had desired,

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1 but as a matter of fact, the administration of the
2 State required the control of the Japanese army and
3 civilian authorities. With that control what progress
4 was made in Manchukuo would not have been possible.
5 I saw that control in operation with my own eyes,
6 and there is no other word than "control" to state
7 what I mean.

8 Q Are you referring to the situation -- to the
9 condition which prevailed later on?

10 A From our own ordinary common sense, haven't
11 the Japanese been controlling Manchuria until very
12 recently? As a matter of fact, the Japanese-Manchuria
13 Treaties spoke of an inseparable relationship. That
14 was just window dressing for Japanese control.

15 Q You have been using the word -- frequently
16 using the word "control" in English, but I am trying
17 to get your explanation, clear explanation of the
18 meaning of that word in Japanese.

19 A Let me state very clearly that Manchukuo
20 was definitely a totalitarian state, over which the
21 Japanese government exercised control by virtue of
22 the right of inter-guidance given to the Kwantung
23 Army over the General Affairs Bureau of Manchukuo.

24 Q You have not answered my question. However,
25 do you mean by the word "control" to guide or to

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1 direct?

2 A I am saying that by virtue of its authority
3 to exercise inter-guidance over the General Affairs
4 Bureau, the Kwantung Army exercised directive authority
5 over Manchukuo.

6 Q I understand you. When was it that you heard
7 about the Manchurian Incident from OKAWA, after the
8 Manchurian Incident?

9 A I have never heard about the Manchurian In-
10 cident from him.

11 Q You have never heard about it?

12 A I have heard him speak about the independence
13 of Manchuria, but he has never spoken about any action
14 to bring about that independence.

15 Q The witness stated that you spent two months
16 in hospitals after you resigned from the Army, didn't
17 you?

18 A Exactly forty-six days, to be exact.

19 Q Were you cured when you left the hospital?

20 A Yes, my insomnia was cured. However, the
21 other disease with which I was afflicted -- that is
22 serious anxiety over the state of affairs of my
23 country -- that disease was not cured.

24 Q I heard from some sources that you were let
25 out of the hospital by -- you paid your way out of the

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1 hospital; is that correct?

2 A Yes, I spent quite a bit of money, be-
3 cause I wanted to get out of the hospital as soon
4 as possible -- by giving away theater tickets and
5 buying fruits.

6 Q Did you tell other people about that?

7 A Yes.

8 Q Did you tell the prosecutors?

9 A Yes, inasmuch as I have to speak of facts,
10 I did.

11 Q You contracted the same disease in North
12 China in 1936; didn't you?

13 A On what grounds do you ask me that?

14 Q I am only asking.

15 A Where in North China?

16 Q I am only asking whether you contracted
17 that disease or not.

18 A I wasn't in North China. I was not in North
19 China in 1936, so I don't know.

20 Q Well then, about that time did you suffer
21 from the same kind of disease?

22 A After I had returned from Mongolia I felt
23 rather ill, and so after an examination I found that
24 I had been -- I was suffering from gas intoxication.

25 Q What kind of gas was it?

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1 A Chloro. I was cured in four days.

2 Q You were not sent to the hospital then?

3 A I entered the hospital the 31st of December,
4 and left on the 3rd of January.

5 Q You sent a letter to the Tokyo Shimbun --
6 March 19th issue of the Tokyo Shimbun; didn't you?

7 A I didn't send an article, but I wrote one
8 by request.

9 Q According to your letter -- in your letter
10 you mentioned many names of prosecutors, and stated
11 that you are -- you have very close relationships
12 with them.

13 A I did not say that I had spoke with them in-
14 timately. I said that I discussed with them.

15 Q Was that letter written at the request or
16 demand or recommendation of the prosecutors?

17 A Let me tell the truth. At that time it was
18 clear that the Japanese defense counsel had no ink-
19 ling whatsoever as to what grounds the prosecution
20 was going to conduct its case. At that time it was
21 the opinion that the defense counsel did not know
22 how to proceed with their preparations of their
23 cases in defending their clients; and so Mr. Joe Sano,
24 in this courtroom -- who is now in this courtroom --
25 suggested that defense counsel be given some idea

T. NAKA

CROSS

1 as to what they would have to confront; and so I
2 wrote the article for the purpose of educating the
3 Japanese defense counsel.

4 Q You obtained the materials from the same
5 sources, didn't you -- I mean material for your
6 article?

7 A That was not an essay; that was written on
8 the basis of the opinions given to me by Mr. Sanò,
9 and Mr. Sano is not a prosecutor. Previously, I
10 did not reply because I did not write at the request
11 of any prosecutor.

12 Q Your intention was to escape from punishment
13 yourself, wasn't it?

14 A I am a soldier, and I have said very defi-
15 nitely that if there are any charges against me I
16 shall gladly go to Sugamo Prison, but to this day
17 the prosecution has not found any charges against me.
18 If you want more verification of this fact ask Joe Sano.
19 I am not the kind of person who would act because of
20 threats or because of certain reciprocatory sugges-
21 tions, or a person who would try to miscontrue the
22 truth.

23 Q Where does the witness live at present?

24 A At the present time I am staying at the
25 lodging prepared for witnesses at Yoyogi.

TANAKA

CROSS

1 Q Previously did you not used to live next
2 door to Chief Prosecutor Keenan's residence?

3 A Yes, I lived at the home of Mr. NOMURA,
4 whose house is located next to the Hattori house,
5 where Chief Prosecutor Keenan has his residence --
6 by order.

7 Q Do you not receive your supplies -- remuner-
8 ations and supplies from the prosecution?

9 A Yes. While I was staying at the Nomura house
10 I received supplies of food. The supplies came to me
11 from the Prosecution Section, through Mr. NOMURA. I
12 was at the Marunouchi Hotel for ten days, but the cost
13 then was defrayed by the Japanese government. Next,
14 I went to the Hattori house; but, according to regula-
15 tions at this lodging for witnesses, the Japanese
16 would have to pay twenty-eight yen a day. The supplies
17 such as food are arranged for by the manager, and he
18 serves delightful stuff.

19 Q Do you receive remuneration from the Allied
20 Forces?

21 A I am very poor, and I would like to, but to
22 this date I have received nothing.

23 THE PRESIDENT: We will adjourn now to 1:30.

24 (Whereupon, at 1200, a recess was
25 taken.)

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1334.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Yamaoka.

8 MR. YAMAOKA: Mr. President, just as the
9 last witness was answering one of the questions --
10 to one of Mr. OHARA's question, he replied, I believe,
11 that he was paid twenty-eight sen for his living
12 expenses at this lodging which is supplied by the
13 prosecution for witnesses; and, I believe, if I am
14 not mistaken, the translation in English was to the
15 effect that it was twenty-eight yen so I should like
16 to have that correction made, if I may.

17 MR. SACKETT: I would like to add, if the
18 Court please, that the witness did not state that
19 this house was being furnished by the prosecution
20 as just stated by counsel.

21 THE PRESIDENT: It is hardly worthwhile
22 following up that subject. I do not think any Member
23 of this Tribunal was at all impressed by what was got
24 out in cross-examination about that.

25 MR. YAMAOKA: Do I understand, if your Honor

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1 please, that the correction is not to be made?

2 THE PRESIDENT: We will make any necessary
3 corrections; but it is a fearful waste of time to
4 bother about it. If it will please you to have the
5 correction made, we will make it.

6 LANGUAGE SECTION CHIEF: Mr. President,
7 according to the recollection of the personnel at
8 the table who were there prior to recess when the
9 interpreter said "twenty-eight yen," it was a slip
10 of the tongue. He should have said, "twenty-eight
11 sen."

12 THE PRESIDENT: The witness said "sen?"
13 That is what we want to know.

14 LANGUAGE SECTION CHIEF: Yes, "sen."

15 THE PRESIDENT: The Language Section can
16 take it in hand from now on.

17 MR. FURNESS: If the Court please--

18 THE PRESIDENT: Mr. Furness.

19 MR. FURNESS: I represent Mr. SHIGEMITSU.

20 CROSS-EXAMINATION (Continued)

21 BY MR. FURNESS:

22 Q General TANAKA, on Saturday you testified that
23 for the defense of Japan, Manchuria was the base for
24 operations against the Soviet Union and that for such
25 defensive operations Japanese armies were trained in

TANAKA

CROSS

1 Manchuria. Now, the decision as to the training of
2 such armies, whether they should be trained and the
3 purposes for which they should be trained, were de-
4 cisions which were made under the Imperial right
5 of Supreme Command -- I think it is translated the
6 "tosuiken" -- by the General Staff of the Army, was
7 it not?

8 A Yes.

9 Q Made by them and not by any cabinet or any
10 other department of the government but by the
11 Imperial General Staff?
12

13 A Yes.

14 Q And the Commanding General of the Japanese
15 Army in North China which was there under the treaty
16 rights given under the Boxer Protocol, under that same
17 system of "tosuiken", he was under the sole command
18 of the Chief of the General Staff, was he not?

19 A With respect to the high command, the Chief
20 of the Army General Staff; with respect to military
21 administration, the Minister for War.

22 MR. FURNESS: That is all.

23 THE PRESIDENT: Captain Kleiman.

24 CAPTAIN KLEIMAN: Thank you.
25

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CROSS-EXAMINATION (Continued)

1
2 BY CAPTAIN KLEIMAN:

3 Q General, yesterday you told us of the Chang
4 Tso-lin Incident occurring as a result of a plan by
5 Colonel KOMOTO, do you recall?

6 A Yes.

7 Q And you also told us that the Mukden Incident
8 had been planned by a certain group of the Kwantung
9 Army, is that right?

10 A Yes.

11 Q Were the Chang Tso-lin Incident and the
12 Mukden Incident a result of a common plan or were
13 they two separate incidents?

14 A Absolutely separate.

15 Q You advise us that you had been in Shanghai
16 in the year 1932. Were you there when the Shanghai
17 Incident took place?

18 A Yes.

19 Q Was the Shanghai Incident part of a common
20 plan with respect to the Chang Tso-lin Incident and the
21 Mukden Incident, or was it separate and apart from
22 either one of those Incidents?

23 A The Shanghai Incident is an entirely separate
24 Incident.

25 Q So that, may I understand, General, neither

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CROSS

1 of these Incidents were the result of any common
2 plan or conspiracy to effectuate a certain purpose,
3 is that right, sir?

4 A The Shanghai Incident occurred after the
5 outbreak of the Mukden Incident as the result of
6 which Chinese-Japanese relations became extremely
7 aggravated. Because of the extremely acute and
8 dangerous situation prevailing in Shanghai, the
9 Allied Powers, with forces stationed there, stationed
10 their forces in various specified sectors, and the
11 clash between Japanese and Chinese forces occurred
12 at a point where the Japanese sector met a Chinese
13 area. The Shanghai Incident is an entirely separate
14 Incident.

15 Q Sir, you told us that the inner guidance over
16 Manchukuo belonged exclusively to the Commanding
17 Officer of the Kwantung Army, do you recall?

18 A The Kwantung Army exercised the authority
19 of inner guidance over Manchukuo by virtue of the
20 Japan-Manchukuo treaty; this treaty being concluded
21 by the Japanese Government, it goes without saying
22 that this authority was conferred upon the Kwantung
23 Army by the Japanese Government. In Manchukuo the
24 only person who was authorized to exercise the right
25 of inner guidance over Manchukuo was the

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1 Commander-in-Chief of the Kwantung Army. Others,
2 whether the Chief of Staff, the Deputy Chief of
3 Staff, or the Director General of the General
4 Affairs Bureau, none of these men had the authority
5 to exercise this right.

6 Q Is it not a fact, General, that the Commanding
7 Officer of the Kwantung Army had a similar guidance
8 over the Autonomous Committee of Inner Mongolia?

9 A There was no authority of inner guidance
10 over Inner Mongolia but the Commander-in-Chief of
11 the Kwantung Army acted in accordance with directives
12 issued by the Chief of the General Staff with respect
13 to future operational plans north of the Great Wall.
14 This was among one of the instructions from the
15 General Staff.

16 Q Were the autonomous governments of which you
17 testified before this Tribunal ever recognized by
18 the Japanese Government, General?

19 A No.

20 Q And is it not a fact that no diplomatic
21 personnel were ever sent to any of the autonomous
22 governments by the Japanese Government?

23 A No, such representatives have not been sent.

24 Q And is it not a fact that the establishment
25 of these autonomous governments were not a result of

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CROSS

1 any plan wherein the Japanese Government was involved
2 but were separate actions which were taken by the
3 groups that you testified about?

4 A No.

5 Q You mean that what I have said is correct?

6 A No. Shall I explain?

7 Q General, you have told us this morning that
8 you were at a hospital for treatment with respect to
9 some gas. Is it not a fact that you were at the
10 hospital for forty-three days for psychopathic treat-
11 ment?

12 A Insomnia.

13 Q Did your mother die of melancholia?

14 A No, my mother has never been taken with
15 melancholia. She died as the result of a heart
16 disease.

17 Q Have you ever told any doctor that your
18 mother died as the result of melancholia?

19 A No.

20 Q When you were at the hospital at the time that
21 you testified about, did you advise the doctors that
22 you were suffering from hereditary syphilis?

23 A No. When I was young I was quite -- I played
24 around quite a bit and so when I was taken with
25 insomnia, I asked the doctor for treatment, knowing

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CROSS

1 that if it was because of syphilis, there were
2 ready treatments for it.

3 Q General, you told us that you have not
4 received any remuneration from the prosecution.
5 Have you been promised any remuneration in the
6 future?

7 A No.

8 CAPTAIN KLEIMAN: No further questioning
9 by me.

10 THE PRESIDENT: Any further cross-examination?

11 CAPTAIN KLEIMAN: No further cross-
12 examination, may it please your Honor.

13 THE PRESIDENT: Any re-examination?

14 MR. SACKETT: There will be no redirect
15 examination, your Honor.
16 _ _ _ _

17 (Whereupon, the witness was excused.)

18 MR. SACKETT: If the Court please, the
19 prosecution at this time would like to offer in
20 evidence prosecution's document No. 2194. I would
21 like to ask to have it identified.

22 CLERK OF THE COURT: It will be marked 181.

23 THE PRESIDENT: What is that document,
24 Mr. Sackett?

25 MR. SACKETT: This is a telegram, if the
Court please, from Consul General HAYASHI at Mukden

1 to Foreign Minister SHIDEHARA, dated September 19,
2 1931.

3 THE PRESIDENT: Admitted subject to the
4 usual terms.

5 (Whereupon, prosecution's exhibit
6 No. 181 was received in evidence.)

7 MR. SACKETT: I would like to read the
8 document. (Reading):

9 "SHOWA 6/1931/ - 12663

10 Code Despatched Mukden Sept. 19th, a.m.

11 Received This Office, Foreign Office,
12 Sept. 19th, a.m.

13 To: Foreign Minister SHIDEHARA

14 From: Consul General HAYASHI

15 No. 630 (Urgent Top Secret)

16 It is reported that TATEKAWA, Divisional
17 Director of the General Staff arrived here on the 18th
18 by the 1 PM o'clock train. This is probably true,
19 although the Army authorities keep it secret.
20 According to confidential information from Mr. KIMURA,
21 Director of the S.M.R. Co., when trackmen were sent
22 for repair work on the section reported to have been
23 damaged by the Chinese, the Army authorities forbade
24 them to approach the spot. Putting this and that
25 together, it is considered that the recent incident

1 was wholly an action planned by the Army."

2 There is a certificate of translation which
3 I am not reading.

4 The prosecution would next like to offer in
5 evidence its document No. 2194-B.

6 THE PRESIDENT: What is it?

7 MR. SACKETT: This is another telegram from
8 the same party to the Foreign Office on the same
9 date.

10 CLERK OF THE COURT: Marked 181, Part 1.

11 THE PRESIDENT: Admitted on the usual terms.

12 (Whereupon, prosecution's exhibit
13 No. 181, Part 1, was received in evidence.)

14 MR. SACKETT: (Reading)

15 "SHOWA 6 (1931) - 12672

16 Code Despatched Mukden (September 19th, a.m.)

17 Received Japanese Foreign Ministry,
18 (September 19th, a.m.)

19 To: Foreign Minister SHIDEHARA

20 From: Consul General HAYASHI

21 No: 624

22 Referring to my despatch telegram No. 623:

23 In view of the fact that it was proposed several times
24 from the Chinese side that this matter be settled in
25 a peaceful way, I phoned to Staff Officer SAKAGAKI

1 /T.N. Probably a mistake for ITAGAKI/ and said that
2 since Japan and China had not yet formally entered
3 into a state of war and that, moreover as China had
4 declared that she would act upon the non-resistance
5 principle absolutely, it was necessary for us at this
6 time to endeavor to prevent the aggravation of the
7 incident unnecessarily, and I urged that the matter
8 be handled through diplomatic channels, but the above
9 mentioned Staff Officer answered that since this matter
10 concerned the prestige of the State and the Army, it
11 was the Army's intention to see it through thoroughly
12 because the Chinese Army had attacked the Japanese
13 Army, although the Japanese Army would do their best
14 to protect the foreign residents here. Thus since he
15 did not appear to readily accept /my proposal/, I
16 repeated the above purport again and called his
17 attention to it."
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1 MR. SACKETT: The next document that the
2 prosecution desires to offer in evidence is 2194-C.
3 This was a similar telegram and a similar date.

4 THE PRESIDENT: Admitted on the usual terms.

5 (Whereupon, the document above
6 referred to was marked exhibit 181 part 2
7 and received in evidence.)

8 THE PRESIDENT: We are getting these telegrams
9 after they have been read by you, Mr. Sackett. Did
10 you intend that? They are handed to us after you
11 have read them.

12 MR. SACKETT: I shall wait then. May I ask
13 if distribution has yet been made of 2194-C?

14 CLERK OF THE COURT: It was marked 181 part 2.

15 MR. BROOKS: If the Tribunal please, I was
16 checking with counsel on this last document, 2194-B,
17 There is a note there "Probably a mistake for
18 ITAGAKI," and I was asking if that was the interpreta-
19 tion in there or if it was actually in the telegram.
20 He says he does not know.

21 MR. SACKETT: I will have to answer that,
22 your Honor, that the request was for an accurate and
23 exact translation. I assume that is what this is.
24 I cannot read it.

25 THE PRESIDENT: I do not understand.

1 MR. SACKETT: The point in issue, if your
2 Honor please, is in the text I read there is mentioned
3 SAKAGAKI and a note "Probably a mistake for ITAGAKI."
4 To the best of my knowledge, this was stated in the
5 telegram but I did not read it.

6 THE PRESIDENT: You want that struck out?
7 You said you were cancelling something. What do you
8 mean by that?

9 MR. SACKETT: I did not offer to cancel any-
10 thing. I guess counsel asked to have it struck out.
11 I suggest that the Language Monitor straighten this
12 out, your Honor. I do not know the correct answer.
13 I assume it is in there. If it isn't, it should be
14 stricken.

15 THE PRESIDENT: We will refer it to the
16 Language Section.

17 LANGUAGE SECTION CHIEF: In the Japanese
18 text, Mr. President, the name is written "SAKAGAKI"
19 without any statement in brackets to the effect that
20 it probably is a mistake for ITAGAKI.

21 MR. SACKETT: The prosecution agrees it
22 should be stricken.

23 THE PRESIDENT: Now you may read.

24 MR. SACKETT: (Reading:)

25 "SHOWA 6 (1931) - 12660

/ASIA BUREAU/

1 Code Despatched Mukden (September 19th, a.m.)

2 Received Japanese Foreign Ministry,
3 (September 19th, a.m.)

4 To: Foreign Minister SHIDEHARA

5 From: Consul General HAYASHI

6 No: 625 (Urgent - Top Secret)

7 Referring to my despatch telegram No. 618,
8 putting together reports from various quarters, it
9 can be presumed that the army is planning to start
10 positive operations simultaneously throughout the
11 various places along the Manchurian Railway Zone.
12 I am trying, through Mr. UCHIDA, President /of the
13 Manchurian Railway Company/ who is in Dairen, to call
14 this to the attention of the Commander-in-Chief of
15 the Army. It is desired that the Government take
16 necessary steps immediately to stop the action of
17 the Army."

18 I would like next to have marked for identi-
19 fication prosecution document No. 485 which is already
20 with the clerk, having been deposited pursuant to
21 order.

22 (Whereupon, the document above
23 referred to was marked exhibit No. 182 for
24 identification.)

25 MR. BROOKS; If the Tribunal please, before

1 we leave this other document, it refers in two of them
2 to "referring to my despatch telegram No. 623," and
3 "referring to my despatch telegram No. 618." Now,
4 none of those are related and the first one that was
5 introduced was No. 630 and I believe that it would
6 be proper if this is going to be introduced, if there
7 is a reference, so the Court will get the full text
8 of the meaning, that those others either should be
9 introduced at the same time or be made available to
10 counsel so we can study them and see if they should
11 be introduced in our behalf. I would ask the Court
12 for a ruling as to that fact. One reason I ask that,
13 in the first telegram the last word "army," it might
14 be Japanese Army or Chinese Army. It doesn't say
15 what. The others might clear those points up for us.

16 MR. SACKETT: To my knowledge, your Honor,
17 the prosecution does not have possession of these other
18 documents.

19 THE PRESIDENT: You should endeavor to get
20 them though.

21 MR. SACKETT: We shall.

22 THE PRESIDENT: They will be necessary to a
23 thorough understanding of the transaction.

24 MR. SACKETT: I might state we tried to get
25 all those, your Honor, and got the ones that were read

1 after great difficulty, but we shall endeavor to get
2 the other ones. We do not have them now.

3 THE PRESIDENT: If found, they should be
4 made available to the defense.

5 MR. SACKETT: The document that has just been
6 marked for identification No. 490 is a book written
7 by MATSUOKA, who was an accused prior to his decease.

8 CLERK OF THE COURT: It was No. 485.

9 MR. SACKETT: No. 485. I beg your pardon.
10 The prosecution desires to offer in evidence only a
11 part or portion or excerpt from this book. I might
12 say this portion is comprised of pages 223 to 229.
13 The prosecution desires to read only two paragraphs
14 but to offer these pages.

15 THE PRESIDENT: Admitted on the usual terms.

16 (Whereupon, prosecution's exhibit
17 No. 182 was received in evidence.)

18 MR. YAMAOKA: If your Honor please, we
19 should like to make objection at this time to the
20 introduction of this extract on the fact that MATSUOKA
21 is now dead. We do not think it should be properly
22 received at the present time.

23 THE PRESIDENT: It does not follow that it is
24 not admissible against the others. Or some of them.

25 MR. SACKETT: The part I desire to read

1 commences at the top of the second page of the
2 English translation. There are two paragraphs. This
3 appears on pages 224 and 225 of the Japanese text.

4 (Reading:) "However the position of
5 present MANCHURIA and MONGOLIA is indispensable to
6 the economic existence of our people as well as it
7 being of vital importance to our national defense.
8 In other words, when we consider it from a practical
9 point of view, MANCHURIA and MONGOLIA are JAPAN's
10 life-line not only for the sake of our national
11 defense but also for our economy. Every nation has
12 a life-line that holds the key to its existence.
13 As GIBRALTER and MALTA are to GREAT BRITAIN, and the
14 CARRIBEAN SEA to AMERICA, there definitely is an
15 important point from which it is impossible to retreat
16 if the nation expects to exist. I was referring to
17 this point when I, in the last Diet session, spoke of
18 the Manchurian and Mongolian policies and especially
19 the life-line.... And, I believe the people should
20 grasp this point! The fact that 200,000 fellow
21 countrymen are residing there and the existence of
22 the Manchurian Railway is not, from JAPAN's stand-
23 point, the whole of the Manchurian and Mongolian
24 problem. The said facts are, of course, important
25 matters, but they are only matters which give further

1 importance to the problem.

2 "When we observe the present international
3 relations and also the economic life of our country,
4 we find that there is no change in the fundamental
5 fact that MANCHURIA and MONGOLIA are areas of close
6 connection with our country, even if there were no
7 Japanese nor investments nor any historical relations
8 of which we all know. In short, they are what I've
9 been stressing, the life-line of our country. When
10 we think of the historical relations established with
11 the blood of our brothers, and of all the Japanese
12 people over there, and of the **great** sum of investment,
13 it is clear that we need not concede to any country
14 nor to any person in securing and defending the areas
15 that are the very life-line of our country."

16 MR. FURNESS: Might I ask whether this,
17 which appears to be an excerpt, whether the production
18 of the entire document has been excused under an
19 exception to rule 6?

20 MR. SACKETT: It has, sir. I would next
21 like to offer in evidence prosecution's document
22 No. 12.

23 CLERK OF THE COURT: Document 12 will be
24 marked exhibit 183.
25

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 183 for identification.)

4 MR. SACKETT: This is a record of the
5 Sakura-kai or Cherry Society for the maintenance of
6 public peace of the Bureau of Police Affairs of the
7 Home Ministry.

8 THE PRESIDENT: Admitted on the usual terms.

9 (Whereupon, prosecution's exhibit
10 No. 183 was received in evidence.)

11 MR. SACKETT: (Reading:) "The Cherry
12 Society ('Sakura-kai') 1938.

13 "The Cherry Society is an organization which
14 has had great influence on the March Incident and the
15 October Incident, as well as up to the present time,
16 and we observe in its membership list the names of
17 persons who now hold important posts in the various
18 departments of the ministry."

19 MR. BROOKS: If the Court please, this sound
20 system -- we are getting both translations and I can
21 not hear it over here.

22 MR. SACKETT: Continuing in the middle of
23 the first paragraph: (Reading) "According to the
24 personal note of Lt. Col. Kiyoshi TANAKA, one of the
25 leading members of the Cherry Society, the (nature

1 of the organization) is roughly as follows:

2 "In the midst of the above-mentioned agitated
3 state of the domestic situation during the first ten
4 days of September 1930, about a score of persons,
5 under the sponsorship of Artillery Lt. Col. (Kin)
6 HASHIMOTO of the Army General Staff Headquarters,
7 Lt. Col. (Yoshi) SAKATA of the War Ministry and
8 (Sue) HIGUCHI of the Garrison Headquarters, met at
9 the Army Club ('Kaikosha') and decided to establish
10 a research organization on the internal reorganization
11 of the country. Later the name Cherry Society was
12 given to this organization. Its platform was drafted
13 by Lt. Col. Kiyoshi TANAKA, and the purport of its
14 establishment was as follows:

15 "Purpose: This society has as its ultimate
16 objective national reorganization. If necessary for
17 the attainment of this objective, the society is
18 ready to use armed force.

19 "Membership: The membership shall be limited
20 to army officers on the active list with the rank of
21 lieutenant colonel or below who are concerned about
22 national reorganization and have no selfish motives.

23 "Preparations for the achievement of the
24 objective: Every means shall be employed to infuse in
25 the national army officers the necessity for a

1 national reorganization. The expansion and strengthen-
2 ing of the society's membership (about 105 members
3 by May, 1931). The drafting of a concrete plan for
4 national reorganization.

5 "Thus in January, 1931, the work of drafting
6 a concrete plan was begun, and Lt. Cols. SAKATA,
7 NEMOTO, HASHIMOTO and TANAKA and Captains CHO and
8 (Ya) TANAKA were chosen as committee members.

9 "When we reflect on these various facts with
10 an unselfish feeling, we feel ashamed over our blind-
11 ness and extreme thoughtlessness in regard to the
12 situation prevailing at that time.

13 "We shall have nothing to say even if we are
14 said to have had devoted ourselves solely to the
15 controlling of Communism and to have isolated our-
16 selves from the tides of the times. At that time,
17 there were rumors that a new start in politics was to
18 be made, or that some people of the Social Democratic
19 Party were trying to organize a society within the
20 military, but we almost had no intentions of investi-
21 gating into them, and of finding out why such studies
22 were being made, and so we had been indifferent to
23 the great tide of the times. In thinking it over, it
24 seems that the health condition of Premier HAMAGUCHI
25

1 had been the main problem in those days.

2 "Moreover, the judgment of the situation by
3 the 2nd Section of the Army General Staff in SHOWA 5
4 (1930) was beginning to obtain unprecedented decisions.
5 In other words, the judgment of the situation by the
6 2nd Section of the Army General Staff in the past
7 had been solely for contributing to war operations
8 with only the enemy nations in mind. However, since
9 this year, they have come to the conclusion that, in
10 order to settle the Manchurian and Mongolian problems
11 positively, it is inevitable that our nation should
12 first be reconstructed, so we shall go on with the
13 reconstruction.

14 "Of course, this was attributable to the fact
15 that there had been such influential men involved,
16 like Lieutenant-Colonel HASHIMOTO, (Russian Group),
17 Lieutenant-Colonel NEMOTO, (Chinese group), and many
18 members of the Cherry Society, but I feel that it
19 should have been fully recognized at that time that
20 the general trend within the military had already come
21 to this point.

22 "Moreover, eleven young officers, radicals
23 among the members of the Cherry Society had met at
24 Kaikosha on the 17th of July the same year, and had
25 organized a Minor Cherry Society. There is a rumor

1 that the members of this society were fifty-three
2 persons including Majors CHO, MIYAZAKI and TERADA,
3 and Lieutenant TANAKA."

4 For the sake of clarity, if the Court please,
5 I would like for the Court to observe that the first
6 name of the TANAKA mentioned in this document is
7 different from that of the witness who was just on the
8 stand.

9 THE PRESIDENT: I think we all noted that.

10 MR. LOGAN: If the Tribunal please, there are
11 two TANAKAs mentioned in that document.

12 MR. SACKETT: If the Court please, the
13 prosecution will now proceed by Mr. Hyder.

14 THE PRESIDENT: Mr. Hyder.

15 MR. HYDER: If the Tribunal please, the
16 prosecution next introduces prosecution document
17 No. 618.

18 CLERK OF THE COURT: Document 618 will be
19 given exhibit number 184.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 184 for identification.)

23 MR. HYDER: This is a letter dated the 6th
24 of August from OZAKI, Yukio and six other members of
25 the Citizen's Disarmament League to General MINAMI,

1 the then Minister of War. The letter is part of the
2 official files of the War Ministry.

3 THE PRESIDENT: Admitted on the usual terms.

4 (Whereupon, prosecution's exhibit
5 No. 184 was received in evidence.)

6 MR. HYDER: We offer this document to prove
7 the dissemination of expansionist propaganda to the
8 divisional officers by the accused General MINAMI in
9 early August, 1931, which is prior to the so-called
10 Manchurian Incident. If I might I would like to read
11 an excerpt, if the Court please.

12 (Reading) "You have been talking and dis-
13 cussing political matters, attacking the advocates of
14 disarmament, and appealing to the decision of military
15 men by expounding the present situations in Manchuria
16 and Mongolia. You have even published your views and
17 opinions in written form. There is no doubt that your
18 acts are an indisputable violation of the provision
19 of the article 103 of the Military Criminal Code.
20 Article 103 of the Military Criminal Code provides
21 that anyone who presents a memorial to the Throne,
22 his views to the government, or any other kind of
23 petition concerning political matters, or gives
24 publicity to his opinions either in a discourse or in
25 written form shall be imprisoned for 3 years or less.

1 We expect that your spirit of observance of law will
2 make you take some measures against what you have done.
3 However the matter does not stop there. You have also
4 sought to have Divisional and Army commanders drive
5 home your opinions in and out of the army within
6 their respective jurisdictions. Here the matter is
7 relative to that political discussion. It goes with-
8 out saying that to spread this propaganda within the
9 Army is already an adverse act.

10 "The danger of spreading this propaganda
11 outside the Army circle need not be explained.

12 "Furthermore, is it your Excellency's inten-
13 tion to pit the divisional commanders against the
14 politicians in a dispute over the right or wrong of
15 the political arguments?"

16 MR. McMANUS: If your Honor please, I would
17 like to call to the Tribunal's attention that there
18 are two statements omitted, one and two. I do not
19 know whether this document is covered by the excep-
20 tion to Rule 6b (1). I am wondering whether or not we
21 should not be entitled to the entire document.

22 MR. HYDER: If the Tribunal please, that was
23 omitted in the file of the War Ministry. Apparently
24 the custodian of the file copied simply a part of the
25 letter and that is the part that we have put in evidence.

1 MR. McMANUS: If your Honor please, it is
2 evidently a short letter. Here is the third para-
3 graph which is being admitted here now, and the first
4 and second paragraphs are omitted. I do not see why
5 we should not be entitled to the entire document.
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1 THE PRESIDENT: You should get it, if they
2 can find it, of course. You ought to try to get it,
3 Mr. Hyder.

4 MR. HYDER: I would be delighted.

5 The prosecution next introduces IPS document
6 No. 2136.

7 DEPUTY CLERK OF THE COURT: 2136 will be given
8 exhibit No. 185.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 185 for identification.)

12 MR. HYDER: This is a letter from the Chief
13 of the Liaison Section, Central Liaison Office, Gener-
14 al Headquarters of the Supreme Commander for the
15 Allied Powers, with an enclosure, and dated June 15,
16 1946.

17 We offer this document to prove that the
18 original text of the speech made by the War Minister
19 MINAMI, Jiro, on August 4, 1931, is not immediately
20 available as within the terms of the Charter and is
21 a predicate for the introduction of secondary evidence
22 of its contents.

23 THE PRESIDENT: Admitted subject to the usual
24 terms.

25 (Whereupon, prosecution's exhibit

1 No. 185 was received in evidence.)

2 MR. HYDER: I would like to read a part, if
3 I may.

4 (Reading) "The Central Liaison Office regrets
5 to state that the required copy of the text of the
6 speech has not been found in the former Ministry of
7 War, probably because it was among the documents
8 destroyed at the time of surrender.

9 "A certificate to that effect prepared by the
10 First Demobilization Ministry is attached hereto."

11 The enclosure reads in part: "The First
12 Demobilization Ministry does not possess the copy
13 of the speech made by General Jiro MINAMI, the then
14 Minister of War, on 4 August 1931."

15 THE PRESIDENT: Are you inviting us to take
16 that document signed by six of the Disarmament Com-
17 mittee as evidence of the truth of the contents of
18 the document?

19 MR. HYDER: Yes. I understand it is hearsay,
20 of course. We offer it under Article 14, Section c(4),
21 diary, letter or other statement. It was also among
22 the archives and files of the Ministry of War.

23 MR. McCORMACK: On behalf of the defendant
24 MINAMI, if the Court please, there is nothing of record
25 here to show that this speech was ever recorded with

1 the War Ministry. This is just a subterfuge I will
2 charge against the prosecution to try to put an
3 excerpt of something in that they want to put in.
4 Now, if they have got a copy of the speech, a full
5 text of the speech, I will stipulate with them to put
6 it in.

7 THE PRESIDENT: We reserve our decision on
8 all these points.

9 MR. HYDER: The prosecution next--

10 MR. FURNESS: I take it that this thing called
11 MATSUI Diary is just a daily record of letters received
12 in the War Ministry. I do not think it is a diary at
13 all. If this document is admitted any crank letter
14 which anybody wrote to the War Department, and was
15 found in their files would be admitted. We ask that
16 it be stricken from the record as not proof of any
17 matter before this Tribunal.

18 THE PRESIDENT: Unless it calls for a dis-
19 claimer and the disclaimer could not be discovered.

20 MR. HYDER: May we proceed, Mr. President?

21 THE PRESIDENT: You may proceed.

22 MR. HYDER: The prosecution next introduces
23 prosecution document No. 2135.

24 DEPUTY CLERK OF THE COURT: Document 2135,
25 exhibit 186.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 186 for identification.)

4 MR. McCORMACK: On behalf of the defendant,
5 I want to object to the admission of this document in
6 evidence on account of its inadmissibility.

7 THE PRESIDENT: We have not heard what it is
8 yet.

9 MR. HYDER: I should like that to be an identi-
10 fication number only on the complete file of the news-
11 paper.

12 We next introduce our document No. 2135, which
13 is an article in the Japan Times dated August 6, 1931,
14 quoting the speech of the Minister of War Jiro MINAMI.
15 The portions offered are the quotations of the speech
16 of General MINAMI appearing in the article on page 1.

17 MR. McCORMACK: Now, if the Court please, on
18 this document No. 2135, for the purposes of the record,
19 it is an excerpt from an article in the Japan Times
20 dated August 6, 1931. A copy of this paper is on
21 two pages. Three paragraphs, the beginning three para-
22 graphs of this document No. 2135 is an adverse edi-
23 torial comment commenting on his speech by some news-
24 paper who did not like what he said. And all that is
25 quoted here in the speech is a few choice paragraphs

1 that somebody that did not like the speech quoted in
2 the paper. That is all I can understand from this
3 paper.

4 I should like to have the Court call on the
5 prosecution to put in the full text of the speech
6 because they have got it. I know they have got it.
7 I think the Court will take into consideration in
8 this matter the fact that when a speech is quoted in
9 the paper and there is adverse criticism by the editor
10 of that speech, that it cannot rely on such a speech
11 as evidence in this case; further, that there is no
12 authenticity attached to this particular document.
13 The defendant is being prevented from any possibility
14 of cross-examining the person that wrote this article,
15 if he ever did.

16 THE PRESIDENT: Have you the whole speech,
17 Mr. Hyder?

18 MR. HYDER: If the Court please, it is the
19 best secondary evidence we have. We are offering the
20 complete portion of the speech appearing in the news-
21 paper.

22 MR. McCORMACK: That is not the Court's
23 question. The Court has asked of the prosecution if
24 it has the entire speech.

25 MR. HYDER: To my knowledge we do not have a

1 complete copy of the speech. I offered the previous
2 document in proof of that.

3 THE PRESIDENT: The fact is you have not got
4 the speech. You have got only what appears in the
5 article?

6 MR. DARSEY: Mr. President, may I be heard
7 on this issue as head of the section which is now
8 presenting the evidence in this case?

9 THE PRESIDENT: Yes, Mr. Darsey.

10 MR. DARSEY: The remarks counsel has just
11 made constitute a gratuitous challenge to the integrity
12 of the prosecution.

13 We have exerted every effort to obtain the
14 document in question, as is evidenced by the prior
15 exhibit received in evidence. We took it up with
16 the Supreme Command and employed its entire facilities
17 in a search of the various government agencies of
18 the Japanese Government in an effort to obtain the
19 original. Our good faith is manifested on the surface
20 of the prior exhibit received in evidence, and should
21 further manifestation of it be required by this Court
22 we can put the head of the investigative unit of the
23 International Prosecution Section on this stand to
24 explore the efforts exerted by his section to obtain
25 the original.

1 I think that the Court should either require
2 counsel to sustain the accusation which he has made
3 or else apologize to the prosecution.

4 THE PRESIDENT: What justification have
5 you for saying that the prosecution had the speech,
6 Mr. McCormack?

7 3 MR. McCORMACK: Well, it has come to my atten-
8 tion that they have several newspapers that this
9 speech was printed in. This particular document they
10 have offered in evidence, 2135, indicates that there
11 is a half dozen papers that have printed this speech.

12 Now, I sent my stenographer out the other
13 day and got a copy of the newspaper. When I can do
14 that, I know the prosecution can do ten times more.
15 If I may, I will read it in the record here right
16 now.

17 THE PRESIDENT: Well, you have it, you say?

18 MR. McCORMACK: I have it on my desk.

19 THE PRESIDENT: You got it by the simple pro-
20 cess of sending a stenographer out to get it from the
21 newspaper.

22 MR. McCORMACK: I have the paper in my office.
23 She went and got the whole newspaper for me. I do
24 not see why the prosecution cannot do that.

25 THE PRESIDENT: We will reserve that decision

1 until after the recess. We will recess for fifteen
2 minutes.

3 (Whereupon, at 1450, a recess was
4 taken until 1505, after which the proceedings
5 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 (HON. DELFIN JARANILLA, Justice,
4 Member from the Commonwealth of the Philip-
5 pines, is now sitting.)

6 THE PRESIDENT: I understand the IBM is
7 out of order and that we will have a relay rendition
8 for the balance of this afternoon's session.

9 Mr. Hyder.

10 MR. HYDER: If the Tribunal please, the
11 prosecution has gone through all available news-
12 papers, and the Japan Times is the only one that had
13 quotes of the speech in it. The prosecution is will-
14 ing for the defense to put in all the newspapers that
15 they desire at the appropriate time, but we do be-
16 lieve that we have complied with the Charter as best
17 we can. We have put in what we believe is the most
18 accurate portion of the speech, and we have laid a
19 predicate for the introduction of secondary evidence.

20 THE PRESIDENT: Go ahead, Mr. Hyder.

21 MR. McCORMACK: Has the Court ruled on this
22 particular exhibit?

23 THE PRESIDENT: I don't know that we have
24 heard the last word, do you?

25 MR. HYDER: We offer this document, if the

1 Court please, in evidence to prove that the Minister
2 of War was in sympathy with the ultimate objective of
3 the army in Manchuria.

4 THE PRESIDENT: I understand Mr. McCormack
5 has a copy of the full speech. Do you admit it is
6 a full speech?

7 MR. McCORMACK: If the Court please, I have
8 in my hand a two-page typewritten copy from the
9 Japan Chronicle of Wednesday, August 5, 1931,
10 entitled "Army Commanders' Conference, Minister of
11 War has Appealed to the Public, Essential Improve-
12 ments"; and it is a two-page dissertation taken right
13 from that newspaper. I have it here. I'd like to
14 read it in so this Court will get the full benefit
15 and not a prejudiced --

16 THE PRESIDENT: Now, now, you know all about
17 procedure just as much as I do. You cannot butt in
18 that way. You've got to wait your turn unless the
19 prosecution agrees, and there will be no different
20 rule here.

21 MR. HYDER: If the Court please, the copy
22 that Mr. McCormack has is not a quotation of the
23 Minister of War. It is similar to a summary of the
24 speech. The counsel has also made the accusation
25 that we have a copy of the entire speech. We ask the

1 basis of that accusation.

2 THE PRESIDENT: Well, he should establish
3 the accusation or, failing that, withdraw it and
4 apologize.

5 MR. McCORMACK: Now, there has been no
6 showing to this Tribunal that the prosecution has
7 contacted any of the newspapers that the speeches
8 are alleged to have occurred in --

9 THE PRESIDENT: Now, let us get --

10 MR. McCORMACK: (Continuing) as to their
11 document.

12 THE PRESIDENT: You said that you knew the
13 prosecution had the full speech. The Members of this
14 Tribunal take that accusation seriously. They want
15 you to establish it or, failing that, to withdraw it
16 and apologize. That is now the point to be dis-
17 cussed.

18 MR. McCORMACK: Now, if the Tribunal follow
19 me, this speech was made on the fourth of August --

20 THE PRESIDENT: Why did you say the prose-
21 cution had the speech?

22 MR. McCORMACK: Let me explain, please.
23 That newspaper or volume that they put in evidence
24 there - they've got a slip of paper marking the speech
25 that they want to be put in. Now, if you look on the

1 day before, on August 5 in that volume, you'll see
2 a whole two-page article on his speech. They don't
3 point that out to the Court. Each of these news-
4 papers have published several kinds of speeches in
5 their issues at that time.

6 THE PRESIDENT: We are going to keep you
7 to the point. Why did you say the prosecution had
8 the full speech?

9 MR. McCORMACK: Because I have been told
10 that they have.

11 THE PRESIDENT: Who told you?

12 MR. McCORMACK: I have heard around. I
13 can't put my finger on the person or persons who
14 told me at this minute, but I have been tipped off
15 that they have several articles on this speech. And
16 when I was served with this copy showing me that there
17 was a copy that was about to be introduced, in the
18 shape it was with the critical opinion of some
19 editor who put it in this paper, then I had no reason
20 to doubt the veracity of that suggestion to me.

21 THE PRESIDENT: Well, that's all you have
22 to go on.

23 MR. McCORMACK: That's right. If you look
24 at the date -- the paper in that volume that was
25 issued before the one they are introducing in issue

1 here -- you will see a large dissertation on the
2 speech of the War Minister at that time. And this
3 speech, two days after, that they are introducing --
4 two days after he made it -- is some criticism of it.
5 That's the thing they want to introduce. They don't
6 introduce everything or point out everything about
7 the speech so we can even lay our hands on it.

8 THE PRESIDENT: In the face of the prose-
9 cution's denial, we don't think that you have suf-
10 ficient material upon which to base your accusation,
11 and we think the proper course for you is to with-
12 draw and apologize. We are not going to allow this
13 Tribunal to be used for the making of false accusa-
14 tions by one side or the other.

15 MR. McCORMACK: I am sorry.

16 THE PRESIDENT: Well, you withdraw, do
17 you?

18 MR. McCORMACK: Pardon?

19 THE PRESIDENT: You withdraw the accusation
20 and you apologize?

21 MR. McCORMACK: Yes.

22 THE PRESIDENT: You didn't do it very
23 gracefully.

24 Mr. HYDER.

25 MR. HYDER: We offer the quotations of the

1 speech in evidence, if the Tribunal please.

2 DEPUTY CLERK OF THE COURT: To be marked
3 exhibit 186, part 1.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhib-
6 it No. 186, part 1 for identification.)

7 THE PRESIDENT: Admitted subject to the
8 usual terms.

9 (Whereupon, prosecution's exhibit
10 No. 186, part 1 was received in evidence.)

11 MR. HYDER: I should like to direct the
12 Court's attention to specific excerpts appearing in
13 the speech as quoted in the article.

14 "Some other observers, without studying the
15 conditions of neighboring foreign countries" -- does
16 the Court have a copy?

17 THE PRESIDENT: We have the article.

18 MR. HYDER: Third paragraph under "What He
19 Said."

20 "Some other observers, without studying the
21 conditions of neighboring foreign countries, hastily
22 advocate limitation of armaments and engage in propa-
23 ganda unfavorable for the nation and the army."

24 Beginning again, the first paragraph at the
25 top of page 2:

1 "Manchuria and Mongolia are very closely
2 related to our country from the viewpoint of our
3 national defense as well as of politics and economics.

4 "It is to be regretted that the recent
5 situation in that part of China is following a trend
6 unfavorable to our Empire.

7 "The recent change in international politics
8 and the recent decline of Japan's prestige coupled
9 with the recent ascendancy of anti-foreign agitation
10 and new economic power in China, are responsible for
11 such a tendency, which is a phenomenon of permanent
12 duration instead of being a passing one.

13 "In view of such a situation, I hope you
14 will execute your duty in educating and training the
15 troops with enthusiasm and sincerity so that you may
16 serve the cause of His Majesty to perfection."

17 We next introduce, and ask to have identi-
18 fied by exhibit number, the entire file of the ad-
19 missions of the accused ARAKI, Sadao.

20 MR. McMANUS: Mr. President, when General
21 ARAKI was interviewed at Sugamo Prison, on many
22 occasions he complained of the interpretation of his
23 statements, and on at least two occasions the interp-
24 reter who appeared with the prosecutors admitted
25 himself that he appeared to be not qualified to

1 interpret the statements of General ARAKI. I am
2 sure that Mr. Hyder and Colonel Morrow, who were
3 the prosecutors at the time, will bear me out on
4 this point.

5 Furthermore, because of this complaint,
6 General ARAKI requested the prosecutors if he could
7 submit voluntary statements of his own, to which
8 they agreed. These three voluntary statements were
9 produced by the accused ARAKI, and I understand --
10 I only have one of them, and I understand from the
11 accused ARAKI that the one is utterly useless without
12 the other two as the three of them give the whole
13 picture and a full explanation of his statements
14 that he wanted to make.

15 I have gone over the interrogatories with
16 the accused ARAKI and my co-counsel, and I have picked
17 out myself eleven glaring errors in the statements
18 that Mr. Hyder has contained in his file. Now,
19 because of these errors and the difficulty of
20 interpretation and the consideration that was given
21 to the accused ARAKI in permitting him to offer these
22 three statements, I am going to request the Tribunal
23 not to accept these statements because of the errors.
24 However, if the Tribunal does permit the acceptance
25 into evidence of the statements, I sincerely

1 request that the three voluntary statements be also
2 produced by the prosecutor.

3 THE PRESIDENT: Those mistakes must be
4 referred to the Language Section.

5 MR. McMANUS: Yes. Well, I'd like to
6 further object, if the Court please --

7 LANGUAGE ARBITER (Major Moore): If the
8 Court please, were those mistakes translation mis-
9 takes?

10 MR. McMANUS: Yes. Many names were wrong.

11 THE PRESIDENT: Better not have any de-
12 tailed discussion.

13 MR. McMANUS: I'd like to inquire at this
14 time whether the prosecutor intends to read excerpts
15 from the statements or whether he is offering the
16 entire interrogatories.

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1 MR. HYDER: If the Tribunal please, the
2 prosecution has introduced all the admissions of the
3 accused, ARAKI, for identification and for future
4 reference. The prosecution is only offering spe-
5 cific excerpts from that interrogation. The defense
6 can do the same.

7 MR. McMANUS: Your Honor has said, on many
8 occasions, that there would be no review of this
9 case. However, if excerpts are going to be read,
10 I must reiterate my objection most strenuously, Mr.
11 President, because to my mind the prosecution here,
12 by reading these excerpts -- half sentences, half
13 paragraphs, are building up a beautiful running story,
14 as they would like it, which as interpreted from the
15 record will show inferences which are not actually
16 the full truth because of the half sentences, half
17 paragraphs; and making a beautiful running story as
18 they would like the facts to be. So I ask your Honor
19 not to permit the reading of excerpts into the record.

20 THE PRESIDENT: I do not understand your
21 reference to the fact that I said there was no re-
22 view, or suggested there was not. The fact that
23 there is no review does not influence our decisions
24 in any way, interlocutory or otherwise. I did not
25 like the observations when I was asked to note

1 certain exceptions.

2 THE MONITOR: Will you read back slowly,
3 please.

4 (Whereupon, the statement of the
5 President was read by the official court re-
6 porter.)

7 THE PRESIDENT: (Continuing) You can always
8 read into the record at the appropriate time such
9 of the interrogatories or the answers, or both, as
10 have not been used by the prosecution. In Chambers
11 I directed that you should have the whole of the
12 interrogatories and answers of the accused. That is
13 the most I could do for you, having regard for normal
14 procedure in any court.

15 MR. McMANUS: Do I understand then, Mr.
16 President, that the prosecution will produce the three
17 voluntary statements of the accused, ARAKI, together
18 with the other interrogatories.

19 MR. HYDER: Mr. President, I do not under-
20 stand Mr. McManus's request that I personally have
21 given him one statement by the accused ARAKI. I have
22 made available, and told him that he could have, a
23 second statement of the accused, ARAKI. The third
24 I do not know anything about. If we have it he is
25 welcome to it.

1 MR. McMANUS: That, Mr. President, is exactly
2 the point. Naturally, the prosecutor should have it,
3 and I want it. He took the statement from ARAKI, and
4 whether or not I am going to get it I do not know.
5 Mr. Hyder does not know whether the prosecution has
6 that third statement.

7 THE PRESIDENT: The prosecution says they
8 have not got it. We will take their word for it for
9 the time being.

10 The objection is overruled, and we ask you
11 to proceed, Mr. Hyder.

12 MR. HYDER: We next introduce --

13 CLERK OF THE COURT: The tender, all per-
14 taining to the same subject, will receive the same
15 exhibit number. Therefore, the prosecution document
16 No. 2248 will be exhibit No. 187 A; 2249, 187 B.

17 MR. HYDER: May I explain: These are the
18 admissions by day; for example, the first is the 12th
19 of March on our prosecution filing system. It is our
20 document 2248, and so on.

21 CLERK OF THE COURT: Yes. Do you wish to
22 have each one of them --

23 MR. HYDER: Yes.

24 CLERK OF THE COURT: -- identified?

25 MR. HYDER: That is correct.

1 CLERK OF THE COURT: So No. 2250 will be
2 No. 187 C; 2251, 187 D; 2252, 187 E; 2253, 187 F;
3 2254, 187 G; 2255, 187 H; 2256, 187 I; 2257, 187 J;
4 2341, 187 K; 2342, 187 L; 2343, 187 M; 2344, 187 N;
5 2345, 187 O; 2346, 187 P; 2347, 187 Q; 2348, 187 R;
6 2349, 187 S; 2350, 187 T; 2351, 187 U; 2352, 187 V;
7 and 2353, 187 W.

8 (Whereupon, the documents above referred
9 to were marked prosecution's exhibits as
10 a above indicated, for identification.)

11 THE PRESIDENT: Admitted on the usual terms.

12 (Whereupon, prosecution's exhibits
13 as above indicated were received in evidence.)

14 MR. McMANUS: Mr. President, if those excerpts
15 are going to be read, may I request the prosecutor to
16 note where there is a break, and not read them as a
17 running story?

18 THE PRESIDENT: As a matter of grace, he may
19 do so when some interrogatories or the answers thereto
20 are read, and note others if that course is not taken.

21 MR. HYDER: We offer our IPS exhibit No.
22 10005, which are the admissions of ARAKI taken on
23 February 15 at ten o'clock and twelve o'clock.

24 CLERK OF THE COURT: Prosecution No. 10005,
25 received as exhibit No. 188 A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 188 A, for identification.)

4 MR. HYDER: We offer this portion as the
5 admissions of the accused, ARAKI, to prove that the
6 accused, ARAKI, decided soon after becoming Minister
7 of War, December 13, 1931, that the four provinces
8 under Chang Hsueh-liang should be pacified and occu-
9 pied.

10 MR. McMANUS: Mr. President, I do not want
11 to be burdensome to the Tribunal, but I think this
12 is rather important to the accused, ARAKI. This is
13 one of the points where he said he **never used** the word
14 "occupied," that he used "restore law and order," and
15 it was translated "occupied." It makes quite a
16 difference.

17 THE PRESIDENT: If he wants us to take his
18 word for it, there is one place from which we will
19 take it, and that is the witness box.

20 MR. HYDER: I read the exhibit appearing on
21 page 4:

22 "Q When did you decide in your own mind that
23 the four provinces under Chang Hsueh-liang should
24 be pacified and occupied?
25

"A Soon after I became War Minister."

1 We next introduce prosecution's exhibit
2 No. 10006, being the admissions of ARAKI, Sadao,
3 taken February 19, 1945 to 1946, Sugamo Prison, page 1.

4 CLERK OF THE COURT: 10006, marked exhibit
5 188 B.

6 (Whereupon, the document above referred
7 to was marked prosecution's exhibit No. 188 B,
8 for identification.)

9 THE PRESIDENT: The last two documents will
10 be admitted on the usual terms.

11 (Whereupon, prosecution's exhibit No.
12 188 A and exhibit No. 188 B were received
13 in evidence.)

14 MR. HYDER: We offer this portion of the
15 admission of ARAKI to prove that as Minister of War
16 the accused ARAKI consulted the Prime Minister, the
17 Navy Minister, the Finance Minister, and the Secretary
18 of the Cabinet, on his proposed military budget to
19 pacify and occupy these provinces; that all agreed
20 at this preliminary conference.

21 The answer -- reading his answer:

22 "After I became War Minister, I discussed
23 the policy of the occupation of General Chang's four
24 provinces to clear up the Manchurian situation. After
25 I had made the plan up myself with the Prime Minister,

1 the Foreign Minister, and the Finance Minister, all
2 agreed with me. The Prime Minister approached the
3 Privy Council for approval."

4 We next introduce prosecution exhibit No.
5 10001.

6 CLERK OF THE COURT: Exhibit 188 C.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 188 C,
9 for identification.)

10 MR. HYDER: These are the admissions of ARAKI
11 taken February 7, February 8, and February 11.

12 THE PRESIDENT: The last document is admitted
13 subject to the usual terms.

14 (Whereupon, prosecution's exhibit No. 188 C
15 was received in evidence.)

16 MR. HYDER: We offer these admissions to
17 prove that an agreement having been reached, the Prime
18 Minister took the request for the budget to the Emperor,
19 who, in turn, requested the Privy Council to discuss and
20 pass on the advisability; that the Privy Council, with
21 the Cabinet and Emperor present, approved on and around
22 December 17, 1931, the proposed military budget to be
23 used to pacify and occupy these four provinces.

24 Firstly, I should like to read only specific
25 portions in the interest of time, beginning with the

1 question, page 6 of the interrogation of the 7th of
2 February:

3 "Q General, you ordered the extension of the
4 Japanese occupation in Manchuria from the time you
5 became Minister of War?

6 "A After a policy has been decided by the
7 government, orders for operations would be issued
8 by the Chief of the General Staff. The War Minister
9 has no right to issue orders in connection with oper-
10 ations. In other words, policies would be decided by
11 the government and the carrying out of this policy
12 would be effected by the General Staff, and the
13 policy was to bring peace and order to territory under
14 Chang Hseuh-liang.

15 "Q Who decided that policy?

16 "A The policy would be decided by the government.

17 "Q By the government, General, do you mean the
18 Cabinet or the War Ministry?

19 "A The Cabinet.

20 "B At what time did the Cabinet decide on this
21 policy?

22 "A This was decided at the time it was decided
23 to request an increase in expenditures.

24 "Q What date?

25 "A It was in December. I do not remember.

1 "Q 1931?

2 "A Yes.

3 "Q While you were War Minister?

4 "A Yes. Until this time there had been no fixed
5 policy, and it was realized that the absence of policy
6 would result in the spreading of hostilities. It had
7 been decided that the three provinces comprising Chang
8 Hsueh-liang's territory required pacification, but a
9 statement by Chang Hsueh-liang to the effect that his
10 jurisdiction extended over four territories expanded
11 the scene of activities to Jehol. Chang Hsueh-liang
12 was originally at Ching Chow. He later withdrew to
13 Jehol from where he conducted his government.
14

15 "Q Then, in December, 1931, the Cabinet decided
16 to pacify those four provinces under General Chang?

17 "A Yes.

18 "Q General, going back to your policy decided
19 by the Cabinet in December, 1931, were all the members
20 of the Cabinet there when the decision was made?

21 "A They were all there."

22 Continuing to page 4 of the interrogation of
23 the 8th of February, the middle of page 3 of excerpts:

24 "Q Did the Cabinet agree that you should occupy
25 those four provinces with the Army?

1 "A Yes, and the soldiers would not have been
2 able to move without a Cabinet approval, as appropria-
3 tions would not have been available.

4 "Q The Cabinet approval was a part of the policy
5 decided on December 17th. Was that a part of the
6 policy, the occupation by Japanese troops of the
7 four provinces?

8 "A This is a very complicated matter and I am
9 not able to say whether the Cabinet's approval was
10 a part of the policy or not, but I would point out
11 that the Prime Minister and all the other ministers
12 gave their approval to this policy. Otherwise it
13 could not have been carried out.

14 "Q When did they give their approval?

15 "A The policy was actually decided at the
16 Privy Council meeting at which all members were present
17 and also representatives from the Cabinet and perhaps
18 the Emperor.

19 "Q Did the Emperor say anything at that meeting?

20 "A The Emperor is always present at an extra-
21 ordinary meeting of the Privy Council.

22 "Q Was the Emperor there then?

23 "A The Emperor was present, but he did not
24 take part in the discussion.

25 "Q General, were you there?

1 "A The Cabinet was present in force.

2 "Q That includes you?

3 "A Yes, and all members of the Privy Council.

4 "Q Do you know whether the Emperor approved of
5 this policy?

6 "A When the Privy Council has reached a unani-
7 mous decision, this is reported to the Emperor, who
8 gives his consent.

9 "Q Is that a written consent?

10 "A No, this is not a written consent. The desire
11 of the Privy Council is conveyed by word of mouth to
12 the Emperor. The Emperor actually says nothing at this
13 meeting. After hearing the decision, he retires. If
14 there are any written records, the Secretary of the
15 Cabinet should have knowledge of them.

16 "Q Do you know whether these records have been
17 destroyed?

18 "A I am not in the Cabinet now, but I do not
19 know; but I imagine they have all been destroyed."

20 THE PRESIDENT: We will adjourn now until
21 9:30 tomorrow morning.

22 (Whereupon, at 1600, an adjournment
23 was taken until Wednesday, 10 July 1946, at
24 0930.)
25

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